

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) Criminal No. 11-127
)
v.) (42 U.S.C. §§ 1320d-6(a)(3)
) and (b)(1))
PAUL C. PEPALA)

INFORMATION

The United States Attorney charges:

Introduction

1. At all times material hereto, the Health Insurance Portability and Accountability Act of 1996 (hereafter, HIPAA), provided for the establishment of standards and requirements for the electronic transmission of certain health information. 42 U.S.C. § 1320d-6(2000).

2. At all times material hereto, the University of Pittsburgh Medical Center (UPMC) owned and operated a hospital known as UPMC Shadyside. At all relevant times hereto, both UPMC and UPMC Shadyside were "persons" as defined by HIPAA, and therefore subject to the standards. 42 U.S.C. § 1320d-1.

3. At all times material hereto, HIPAA provided criminal sanctions for the disclosure of "unique health identifiers" or "individually identifiable health information", in violation of HIPAA, that is, health information that *inter alia*, "identifies the individual" or "with respect to which there is a reasonable basis to believe that the information can be used to identify the individual." 42 U.S.C. § 1320d(6)(a) and § 1320d(6).

4. At all times material hereto, the Defendant, PAUL C. PEPALA, was employed by UPMC Shadyside as a surgical instrument technician, and had access to unique health identifiers and individually identifiable health information of patients at UPMC Shadyside.

COUNT ONE

From on or about February 1, 2008, until on or about February 14, 2008, in the Western District of Pennsylvania, the Defendant, PAUL C. PEPALA, knowingly, and for a reason other than permitted by Title 42, United States Code, Chapter 7, Subchapter XI, Part C, did disclose and cause to be disclosed, individually identifiable health information to another person, to wit, the Defendant, PAUL C. PEPALA, did unlawfully disclose the names, social security numbers, and dates of birth of patients at UPMC Shadyside, to another person.

In violation of Title 42, United States Code, Section 1320d-6(a)(3) and b(1).



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